

AMENDED IN SENATE APRIL 18, 2012

SENATE BILL

No. 1166

Introduced by Senator Berryhill

February 22, 2012

An act to *amend Sections 3953, 4334, and 4902 of, and to add Sections 715 and 715.1 to, the Fish and Game Code, relating to fish and wildlife resources.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1166, as amended, Berryhill. Department of Fish and Game: ~~wildlife-dependent recreational activities.~~ *Big Game Management Account funds.*

Existing law requires all money collected under the provisions of the Fish and Game Code, including money received as a result of the sale of licenses issued under the provisions of the code, to be deposited into the Fish and Game Preservation Fund, unless otherwise provided. Existing law grants authority to the Department of Fish and Game to issue tags, stamps, and licenses for the hunting of antelope, elk, upland game birds, deer, wild pigs, bears, and bighorn sheep upon payment of a fee, to be deposited into the fund. Existing law establishes the Big Game Management Account within the fund to permit separate accountability for the receipt and, subject to appropriation, the prescribed expenditure of revenues from antelope, elk, deer, wild pig, bear, and bighorn sheep tags, including fundraising tags.

This bill would require the department to permit a nonprofit organization associated with the sale of deer or bighorn sheep tags that are sold on behalf of the department for the purpose of raising funds for specified programs and projects to retain the lesser of that

organization's administrative costs of selling the tag or 10% of the amount for which the tag is sold.

Existing law requires that funds deposited in the account be available for expenditure upon appropriation to the department, as specified.

This bill would limit those specifications to the purposes defined in the statute that creates the fund, as specified.

~~The Wildlife Conservation Law of 1947 authorizes the Wildlife Conservation Board to authorize the acquisition of real property, rights in real property, water, or water rights by the Department of Fish and Game. Other existing law authorizes the department, for the purposes of propagating, feeding, and protecting birds, mammals, and fish, and establishing wildlife management areas or public shooting grounds, subject to the approval of the Fish and Game Commission, to acquire and occupy, develop, maintain, use, and administer, land, or land and nonmarine water, or land and nonmarine water rights, suitable for state game farms, wildlife management areas, or public shooting grounds.~~

~~This bill would require the department to exercise its authority to manage lands in a manner to support, promote, and enhance wildlife-dependent recreational activities, including hunting and sport fishing opportunities, to the extent authorized by law. The bill would prohibit, to the greatest practicable extent, department decisions and actions relating to land management from resulting in any net loss of available wildlife-dependent recreational opportunities that exist on January 1, 2013.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 715 is added to the Fish and Game Code,
- 2 to read:
- 3 715. The Legislature hereby finds and declares all of the
- 4 following:
- 5 (a) The National Survey of Fishing, Hunting, and
- 6 Wildlife-Associated Recreation has been conducted since 1955
- 7 and is one of the oldest and most comprehensive continuing
- 8 recreation surveys.
- 9 (b) The 2006 National Survey of Fishing, Hunting, and
- 10 Wildlife-Associated Recreation found all of the following:

(1) Eighty-seven million five hundred thousand United States residents 16 years of age and older participated in ~~wildlife dependent~~ *wildlife-dependent* recreation.

(2) Individuals participating in wildlife-dependent recreation spent \$122.3 billion in 2006 on their activities, which equated to 1 percent of the gross domestic product.

(3) Hunters and anglers spent \$76.6 billion, while wildlife viewers spent \$45.7 billion.

(4) Seven million four hundred thousand California residents and nonresidents 16 years of age and older fished, hunted, or viewed wildlife *in this state*.

(5) State residents and nonresidents spent \$8 billion on wildlife-dependent recreation *in this state*.

(c) ~~The department~~ *Department of Fish and Game* reported that, in 2006, hunters and anglers spent seventy-eight million dollars (\$78,000,000) on licenses, stamps, tags, and access fees.

(d) Revenue generated by wildlife-dependent recreational activities ~~play~~ *plays* an exceedingly important role in California's economy.

(e) Revenue generated by hunters ~~and anglers~~ is critical to the department's ability to protect, enhance, and manage wildlife habitat.

SEC. 2. Section 715.1 is added to the Fish and Game Code, to read:

~~715.1. (a) It is the intent of the Legislature that lands managed by the department be open to wildlife-dependent recreational activities, including hunting and sport fishing, except as limited by the commission or department for reasons of public safety or as otherwise limited by law.~~

~~(b) The department shall exercise its authority to manage lands in a manner to support, promote, and enhance wildlife-dependent recreational activities, including hunting and sport fishing opportunities, to the extent authorized by law. To the greatest practicable extent, department decisions and actions relating to land management shall not result in any net loss of available wildlife-dependent recreational opportunities, including hunting and sport fishing, that exist on January 1, 2013.~~

715.1. (a) The department shall permit a nonprofit organization associated with the sale of deer or bighorn sheep tags that are sold on behalf of the department for the purpose of

1 *raising funds for specified programs and projects pursuant to*
2 *subdivision (a) of Section 4334 and subdivision (d) of Section 4902*
3 *to retain the lesser of that organization's administrative costs of*
4 *selling the tag or 10 percent of the amount for which the tag is*
5 *sold.*

6 *(b) The total amount retained from a sale pursuant to*
7 *subdivision (a) shall not exceed the lesser of the administrative*
8 *costs of that sale or 10 percent of the amount of the sale.*

9 *SEC. 3. Section 3953 of the Fish and Game Code is amended*
10 *to read:*

11 3953. (a) The Big Game Management Account is hereby
12 established within the Fish and Game Preservation Fund.

13 (b) ~~At~~ *Notwithstanding Section 715.1, all revenues from the*
14 *sale of antelope, elk, deer, wild pig, bear, and sheep tags, including*
15 *any fundraising tags, shall be deposited in the Big Game*
16 *Management Account to permit separate accountability for the*
17 *receipt and expenditure of these funds.*

18 (c) (1) Funds deposited in the Big Game Management Account
19 shall be available for expenditure upon appropriation by the
20 Legislature to the department. ~~These funds shall be expended solely~~
21 *solely for the purposes described in this section. As the primary*
22 *purpose of the Big Game Management Account, the department*
23 *shall expend these funds for the purposes set forth in this section*
24 ~~and~~ *Sections 3951 and 3952, and Chapter 5 (commencing with*
25 *Section 450) of Division 1, Chapter 7 (commencing with Section*
26 *4650), and Chapter 11 (commencing with Section 4900), including*
27 *acquiring land, completing projects, and implementing programs*
28 *to benefit antelope, elk, deer, wild pigs, bear, and sheep, and*
29 *expanding public hunting opportunities and related public outreach.*
30 *Any land acquired with funds from the Big Game Management*
31 *Account shall be acquired in fee title or protected with a*
32 *conservation easement and, to the extent possible, be open or*
33 *provide access to the public for antelope, elk, deer, wild pig, bear,*
34 *or sheep hunting.* ~~The~~

35 (2) *As a secondary purpose, the department may also use funds*
36 *from the Big Game Management Account to pay for administrative*
37 *and enforcement costs of the programs and activities described in*
38 *this section. The amount allocated from the account for*
39 *administrative and enforcement costs shall be limited to the*

1 reasonable costs associated with *the direct* administration *and*
2 *enforcement* of the programs and activities described in this section.

3 (d) The department may make grants to, reimburse, or enter
4 into contracts or other agreements as defined in subdivision (a) of
5 Section 1571 with, nonprofit organizations for the use of the funds
6 from the Big Game Management Account to carry out the purposes
7 of this section, including related habitat conservation projects.

8 (e) An advisory committee, as determined by the department,
9 that includes interested nonprofit organizations that have goals
10 and objectives directly related to the management and conservation
11 of big game species and primarily represent the interests of persons
12 licensed pursuant to Section 3031 shall review and provide
13 comments to the department on all proposed projects, *and*
14 *administrative and enforcement expenditures* funded from the Big
15 Game Management Account to help ensure that the requirements
16 of this section have been met. The department shall post budget
17 information and a brief description on an Internet Web site for all
18 ~~projects funded~~ *expenditures* from the Big Game Management
19 Account.

20 (f) Big game projects authorized pursuant to this section are not
21 subject to Part 2 (commencing with Section 10100) of Division 2
22 of the Public Contract Code or Article 6 (commencing with Section
23 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

24 (g) The department shall maintain the internal accountability
25 necessary to ensure compliance with the collection, deposit, and
26 expenditure of funds specified in this section.

27 *SEC. 4. Section 4334 of the Fish and Game Code is amended*
28 *to read:*

29 4334. (a) The commission shall annually direct the department
30 to authorize, pursuant to Section 1054.8, the sale of not more than
31 10 deer tags for the purpose of raising funds for programs and
32 projects as set forth in Section 3953. ~~All~~ *Except as provided in*
33 *Section 715.1, all* revenue from the sale of tags pursuant to this
34 section shall be deposited in the Big Game Management Account
35 established in Section 3953 and, upon appropriation by the
36 Legislature, shall be expended as set forth in that section.

37 (b) These tags may be sold to residents or nonresidents of the
38 State of California at auction or by any other method and are not
39 subject to the fees prescribed by Section 4332.

1 (c) These funds shall augment, not supplant, any other funds
2 appropriated to the department for the preservation, restoration,
3 utilization, and management of deer. All revenues derived from
4 the sale of these tags shall be remitted to the department by the
5 seller.

6 *SEC. 5. Section 4902 of the Fish and Game Code is amended*
7 *to read:*

8 4902. (a) The commission may adopt all regulations necessary
9 to provide for biologically sound management of Nelson bighorn
10 sheep (subspecies *Ovis canadensis nelsoni*).

11 (b) (1) After the plans developed by the department pursuant
12 to Section 4901 for the management units have been submitted,
13 the commission may authorize sport hunting of mature Nelson
14 bighorn rams. Before authorizing the sport hunting, the commission
15 shall take into account the Nelson bighorn sheep population
16 statewide, including the population in the management units
17 designated for hunting.

18 (2) Notwithstanding Section 219, the commission shall not,
19 however, adopt regulations authorizing the sport hunting in a single
20 year of more than 15 percent of the mature Nelson bighorn rams
21 in a single management unit, based on the department's annual
22 estimate of the population in each management unit.

23 (c) The fee for a tag to take a Nelson bighorn ram may be
24 determined by the commission, but shall not exceed five hundred
25 dollars (\$500). Fee revenues shall be deposited in the Big Game
26 Management Account established in Section 3953 and, upon
27 appropriation by the Legislature, shall be expended as set forth in
28 that section.

29 (d) The commission shall annually direct the department to
30 authorize not more than three of the tags available for issuance
31 that year to take Nelson bighorn rams for the purpose of raising
32 funds for programs and projects to benefit Nelson bighorn sheep.
33 These tags may be sold to residents or nonresidents of the State
34 of California at auction or by another method and shall not be
35 subject to the fee limitation prescribed in subdivision (c).
36 Commencing with tags sold for the 1993 hunting season, if more
37 than one tag is authorized, the department shall designate a
38 nonprofit organization organized pursuant to the laws of this state,
39 or the California chapter of a nonprofit organization organized
40 pursuant to the laws of another state, as the seller of not less than

1 one of these tags. The number of tags authorized for the purpose
2 of raising funds pursuant to this subdivision, if more than one,
3 shall not exceed 15 percent of the total number of tags authorized
4 pursuant to subdivision (b). ~~At~~ *Except as provided in Section*
5 *715.1, all* revenue from the sale of tags pursuant to this subdivision
6 shall be deposited in the Big Game Management Account
7 established in Section 3953 and, upon appropriation by the
8 Legislature, shall be expended as set forth in that section.

9 (e) No tag issued pursuant to this section shall be valid unless
10 and until the licensee has successfully completed a prehunt hunter
11 familiarization and orientation and has demonstrated to the
12 department that he or she is familiar with the requisite equipment
13 for participating in the hunting of Nelson bighorn rams, as
14 determined by the commission. The orientation shall be conducted
15 by the department at convenient locations and times preceding
16 each season, as determined by the commission.